

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KORDY RICE,

Plaintiff,

v.

E. CATELLANOS, *et al.*,

Defendants.

Case No. 1:24-cv-01008-KES-EPG (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS CASE PROCEED ONLY ON
PLAINTIFF'S CLAIMS: (1) EXCESSIVE
USE OF FORCE IN VIOLATION OF THE
EIGHTH AMENDMENT AGAINST
DEFENDANTS CASTELLANOS AND E.
RAMIREZ; (2) FOR FAILURE TO
PROTECT IN VIOLATION OF THE
EIGHTH AMENDMENT AGAINST
DEFENDANT ROBB; AND (3) FOR
VIOLATION OF HIS RIGHT TO DUE
PROCESS UNDER THE FOURTEENTH
AMENDMENT AGAINST DEFENDANTS
BROWN, ARREOLA, AND ROBB

(ECF NOS. 1, 13, 14)

OBJECTIONS, IF ANY, DUE WITHIN 30
DAYS

Plaintiff Kordy Rice proceeds *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983. (ECF Nos. 1, 6). Generally, Plaintiff alleges that prison officials used excessive force against him, failed to protect him from the use of excessive force, and denied him due process in connection with a prison disciplinary proceeding.

On March 11, 2025, the Court screened the complaint, concluding that Plaintiff sufficiently stated claims (1) for excessive use of force in violation of the Eighth Amendment against Defendants Castellanos and E. Ramirez; (2) for failure to protect in violation of the

1 Eighth Amendment against Defendant Robb; and (3) for violation of his Fourteenth
 2 Amendment right to due process against Defendants Brown, Arreola, and Robb. The Court
 3 explained why the complaint otherwise failed to state any claims and gave Plaintiff thirty days
 4 to either file (1) a notice to go forward on his cognizable claims, (2) an amended complaint; or
 5 (3) a notice to stand on his complaint and have it reviewed by a district judge.

6 On April 4, 2025, Plaintiff filed a notice stating that he wants to proceed only on the
 7 claims that the Court found cognizable. (ECF No. 14).

8 Accordingly, for the reasons set forth in the Court's screening order that was entered on
 9 March 11, 2025 (ECF No. 13), and because Plaintiff has notified the Court that he wants to
 10 proceed on the claims that the Court found should proceed past screening (ECF No. 14), IT IS
 11 RECOMMENDED that all claims and Defendants be dismissed, except for Plaintiff's claims
 12 (1) for excessive use of force in violation of the Eighth Amendment against Defendants
 13 Castellanos and E. Ramirez; (2) for failure to protect in violation of the Eighth Amendment
 14 against Defendant Robb; and (3) for violation of his Fourteenth Amendment right to due
 15 process against Defendants Brown, Arreola, and Robb.

16 These findings and recommendations will be submitted to the United States District
 17 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
 18 thirty (30) days after being served with these findings and recommendations, Plaintiff may file
 19 written objections with the Court. The document should be captioned "Objections to Magistrate
 20 Judge's Findings and Recommendations." Any objections shall be limited to no more than 15
 21 pages, including exhibits. Plaintiff is advised that failure to file objections within the specified
 22 time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39
 23 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).
 24 IT IS SO ORDERED.

25 Dated: June 2, 2025

26 /s/ Eric P. Grogan
 27 UNITED STATES MAGISTRATE JUDGE
 28